IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5766 of 2007

TUESDAY, THE FIRST DAY OF MAY TWO THOUSAND AND SEVEN

Between:

C. Bala Krishna, S/o. Anjaneyulu, aged 23 years, Occ: Student, R/o.H.No.7-4-50, Venkateswara Colony, Mahabubnagar, and Others.

… Petitioners

And

The Osmania University, Hyderabad, Rep. by its Registrar (Academic), And others.

… Respondents

Order:

Petitioners, who are students of B.Ed. course in the second respondent-college, have filed this Writ Petition seeking Mandamus to declare the action of respondents in not permitting them to appear for

final examinations for the academic year 2005-06 as illegal and arbitrary, and a consequential direction to the respondents to permit them to write the said examinations.

2. Heard learned counsel for petitioners and learned Standing Counsel appearing on behalf of the respondents.

3. Petitioners claim to have joined in the second respondent-college to pursue the aforesaid course in the academic year 2005-06. It is stated that they have appeared for practical examinations, however, they are not being issued halltickets to appear for theory examinations on the ground that they are short of attendance. It is their case that they had fallen ill and could not attend the college for a short period of time. Their grievance is that the second respondent has not displayed the monthly attendance and has never informed them that they are short of attendance.

4. First respondent has filed counter affidavit stating that as per the rules of attendance for B.Ed. course, students have to put in not less than 80% of attendance in instructional period and 100% attendance during practical teaching-cum-internship. It is stated in special cases, the Vice Chancellor can condone shortage of attendance to an extent of 10% on medical grounds.

5. While it is the case of the petitioners that they have attended the college regularly, respondents have disputed the same in the counter affidavit and stated that none of the petitioners has more than 69% of attendance. It is to be seen that the requisite percentage of attendance is ’80’ and in deserving cases, the Vice-Chancellor is conferred with the power to condone the shortage up to 10%. The shortage of attendance, beyond a point, cannot be excused at all. As per the

academic regulations, if a candidate puts in attendance below 70%, he is neither eligible to appear for examinations nor to be promoted to the next semester. A Division Bench of this court in **M. Sunil Chakravarthy Vs. Principal, Sreekalahasteeswara Institute of Technology, Srikalahasti**[1] dealt with this aspect and held that no direction by way of Mandamus can be issued, which is otherwise prohibited by academic regulations framed by the university. Hence, no direction as sought for can be issued in the absence of petitioners possessing requisite percentage of attendance.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

May 1, 2007
MRR

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[1] **2005 (1) ALD 253**